IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22832 of 2004

Between:

Adavikottu Gangadhara Rao S/o Perayya
R/o Vegavaram, Jangaredddigudem Mandal,

West Godavari District

... PETITIONER

AND

1 The District Collector, West Godavari District, Eluru,

West Godavari District.
2 The revenue Divisional Officer, Jangareddigudem,

West Godavari District.
3 The Mandal Revenue Officer, Janagreddigudem Mandal,

West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the 1st Respondent, district Collector, West Godavari, in not disposing of the stay petition filed in the appeal against the order passed by the Revenue Divisional Officer, Jangareddigudem, Vide Roc. No. 223/D2/D, dt 31-8-2004 cancelling the D-Form Patta and for the redemption of the land by the government is illegal, arbitrary and consequently not dispossess the petitioner from the land admeasuring Ac.2-00 in Survey No. 93/2 of Ramacherlagudem, Jangareddygudem Mandal, West Godavari District.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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O R D E R:

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The assignment in favour of the petitioner in respect of Ac.2-00 of land in R.S.No.93/2 of Ramacherlagudem, Jangareddigudem Mandal, West Godavari District, was cancelled by the second respondent, through his order dated 31.08.2004. The basis for the cancellation is that the land is part of tank poramboke. Reference is made to the orders of this Court passed in W.P.No.21097 of 2002, etc. The petitioner claims to have preferred an appeal before the first respondent, together with an application for grant of stay. It is alleged that no order of stay has been granted, and in the mean while, the petitioner is sought to be dispossessed.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

The assignment in favour of the petitioner was cancelled on the ground that the land is part of tank poramboke. However, learned counsel for the petitioner submits that the tank has since been abandoned. This Court is not impressed by the same. It is the duty of the Government Agencies to maintain or restore the tank. The question as to whether the land of the petitioner is part of tank poramboke, or whether there is any infirmity or illegality in the order of cancellation, needs to be considered at the hearing of the appeal. This Court is of the view that interests of the parties would be protected, if the respondents are restrained from allotting or alienating the land after resumption from the petitioner. The petitioner claims to have raised a crop and the same is said to be ripe for harvest.

Hence, the writ petition is disposed of, directing that if there exists any crop on the land in question raised by the petitioner, he shall be permitted to harvest the same. Thereafter, the land shall not be permitted to put to any agricultural use. The respondents are directed not to alienate or alter the nature of the land. The first respondent shall dispose of the appeal as early as possible. There shall be no order

as to costs.

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14th December, 2004

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To

1 The District Collector, West Godavari District, Eluru,

West Godavari District.

2 The revenue Divisional Officer, Jangareddigudem,

West Godavari District.

3 The Mandal Revenue Officer, Janagreddigudem Mandal,

West Godavari District.

4 Two C.Cs to the Govt.Pleader for Revenue,

High Court building, Hyderabad (OUT)

5 Two C.D. copies.